

BEFORE THE IDAHO BOARD OF TAX APPEALS

IN THE MATTER OF THE APPEAL OF ALBERT     ) APPEAL NO. 06-A-2448  
T. STILLMAN from the decision of the Board of     ) FINAL DECISION  
Equalization of Valley County for tax year 2006.     ) AND ORDER

**VACANT LAND APPEAL**

THIS MATTER came on for hearing on November 15, 2006, before Board Member Lyle R. Cobbs and Hearing Officer Steve Wallace. Board Member David E. Kinghorn participated in this decision. Appellant was not present at hearing. Assessor Karen Campbell, Chief Deputy Assessor Deedee (Kimberly) Gossi and Appraiser Charles Pickens appeared for Respondent Valley County. This appeal is taken from a decision of the Valley County Board of Equalization denying the protest of the valuation for taxing purposes of property described as Parcel No. RP002880020040A.

**The issue on appeal is the market value of unimproved rural residential property.**

**The decision of the Valley County Board of Equalization is affirmed.**

FINDINGS OF FACT

The assessed land value is \$201,740. Appellant requests the land value be reduced to \$122,642. Appellant arrived at the land value by using a 3% adjustment rate near the national inflation rate.

Subject property is 7.4580 acres of vacant land located in a rural subdivision.

Appellant was not present at hearing, however did submit a written statement. Appellant explained that the valuation was raised 101% in 2005, and 69% in 2006, rendering subject's assessed value unrealistic. Appellant reasoned that "just because

some wealthy buyers with poor judgement were willing to pay a ridiculously high price for a parcel of land in the general area” does not mean taxpayers should be overtaxed.

Respondent submitted three land sales to support the assessed value of subject:

<b>Sale No.</b>	<b>Date Sold</b>	<b>Acres</b>	<b>Price</b>
1	July 15, 2005	2.047	\$139,900
2	October 1, 2005	1.846	\$159,000
3	August 3, 2005	10.073	\$296,000

Respondent stated that Sale No. 3 was within approximately 1 mile of subject and had similar acreage.

### CONCLUSIONS OF LAW

This Board's goal in its hearings is the acquisition of sufficient, accurate evidence to support a determination of fair market value. This Board, giving full opportunity for all arguments and having considered all testimony and documentary evidence submitted by the parties in support of their respective positions, hereby enters the following.

Idaho Code Section 63-208. Rules pertaining to market value – Duty of Assessor. Rules promulgated by the State Tax Commission shall require each assessor to find market value for assessment purposes.

Idaho Code Section 63-201(10) defines market value:

“Market Value” means the amount of United States dollars or equivalent for which, in all probability, a property would exchange hands between a willing seller, under no compulsion to sell and an informed, capable buyer, with a reasonable time allowed to consummate the sale, substantiated by a reasonable down or full cash payment.

Respondent’s evidence demonstrates subject’s assessment is based on current

sales information. The Board finds the assessed value does not exceed market value, nor has the assessment otherwise been demonstrated to be in error.

Idaho Code § 63-511(4) - Appeals from county board of equalization, provides:

In any appeal taken to the board of tax appeals or the district court pursuant to this section, the burden of proof shall fall upon the party seeking affirmative relief to establish that the valuation from which the appeal is taken is erroneous, or that the board of equalization erred in its decision regarding a claim that certain property is exempt from taxation, the value thereof, or any other relief sought before the board of equalization. *A preponderance of the evidence shall suffice to sustain the burden of proof.* The burden of proof shall fall upon the party seeking affirmative relief and the burden of going forward with the evidence shall shift as in other civil litigation. The board of tax appeals or the district court shall render its decision in writing, including therein a concise statement of the facts found by the court and the conclusions of law reached by the court. The board of tax appeals or the court may affirm, reverse, modify or remand any order of the board of equalization, and shall grant other relief, invoke such other remedies, and issue such orders in accordance with its decision, as appropriate. *(Emphasis added.)*

Appellant did not offer any sales, appraisal or other factual information pertaining to the market value of the subject property. Had Appellant or an authorized representative been present for hearing, perhaps further information would have been offered for the Board's consideration.

Appellant has not demonstrated by a preponderance of evidence that the relief claimed is warranted. The decision of the Valley County BOE will be affirmed.

#### FINAL ORDER

In accordance with the foregoing Final Decision, IT IS ORDERED that the decision of the Valley County Board of Equalization concerning the subject parcel be, and the same

hereby is, affirmed.

DATED this 15th day of March , 2007.